

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA  
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Staff: DL-SD  
Staff Report: July 25, 1996  
Hearing Date: July 9-12, 1996



REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

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Application No.: 6-96-65

Applicant: World Sand Sculpture

Description: Construction of a 65-foot high temporary sand castle on a 38-acre vacant upland sand area. Site to be fenced and will include concession stands, entertainment and concert areas.

Lot Area	38 acres
Zoning	Park
Plan Designation	Park
Ht abv fin grade	65 feet

Site: Fiesta Island, Mission Bay, San Diego, San Diego County.

Substantive File Documents: Mission Bay Park Master Plan; "Material Safety Data Sheet", Borden, Inc., February, 1994; Kathy Stone, San Diego County Environmental Health Department, pers. comm., 7/18/96; David Barker, Regional Water Quality Control Board, pers. comm., 7/25/96.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project subject to special conditions requiring the submittal of a traffic control plan and the City's Parks and Recreation permit, to ensure that traffic and circulation impacts resulting from the event are minimized. Impacts relating to water quality, human health, biological productivity, and beach sand quality have been determined to be less than significant.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be

in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

## II. Standard Conditions.

See attached page.

## III. Special Conditions.

The permit is subject to the following conditions:

1. City of San Diego Parks and Recreation Department Approval. Prior to the commencement of construction, the applicant shall submit to the Executive Director for review and written approval a copy of the City of San Diego Parks Department permit for the proposed project. Any mitigation measures or other changes to the project required through said permits shall be reported to the Executive Director and shall become part of the project. Such modifications, if any, may require an amendment to this permit or a separate coastal development permit.

2. Timing of Construction/Staging Areas/Shuttle Areas/Traffic Control. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, the following:

a. Plans showing the locations, both on- and off-site, which will be used as staging and storage areas for materials and equipment during the construction of the project. Notes on the plans shall indicate that the use of public parking areas or existing beaches for staging/storage of construction material shall not be permitted. Access corridors and staging areas shall be located in a manner that has the least impact on public access through the maintenance of existing public parking areas and traffic flow on major coastal access routes (no closure of travel lanes on Mission Bay Drive or Fiesta Island Drive on holidays or weekends).

b. A final construction schedule approved by the City of San Diego. The construction schedule shall indicate that the project site will not be open for general admission until after Labor Day.

c. A traffic control plan, approved by the City of San Diego, identifying the shuttle route, timing, pick-up locations, off-site parking areas, and pedestrian safety measures at the off-site lots. No existing public parking lots shall be restricted from use by the general public at any time.

3. Final Plans/Sand Removal. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for

review and written approval, final construction plans for the project, stamped and approved by the City of San Diego. All sand material imported to the project site for construction material shall be obtained from Fiesta Island. Construction plans shall indicate the specific location(s) on the island from which sand is imported. In addition, written notes on the plans shall indicate that no sand for the project will be taken from existing beaches on Fiesta Island.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the construction of a temporary, 65-foot high sand sculpture and special events area on a 38-acre open sand area on Fiesta Island. In addition to the sand sculpture, the event involves concession stands, concert stages, two beer gardens, and children's playgrounds. Events on the site will include day and evening concerts, laser light shows, sand sculpture lessons, corporate gatherings and various other entertainment. The area will be fenced and \$7.00 admission to the site will be charged. Construction will begin on approximately August 21, 1997, with the site open to general admission from approximately September 6 through September 30. Clean-up of the site will require approximately two weeks.

The proposed project site is the special event area of Fiesta Island, used annually for the City's Over-The-Line tournament. From 2,000 to 6,000 people are expected to attend daily, for a total maximum attendance of approximately 130,000. There will be limited parking available on the site; however, three tentative off-site parking areas have also been identified for the event. They include the South Shore parking lot, the old Sunrunner shuttle lot at the northeast corner of Fiesta Island Road and Sea World Drive, and the beach area on the northwest side of Fiesta Island. Parking will be free, and a shuttle will operate from the off-site lots to the event site.

Although many types of temporary events are exempt from coastal development permit requirements, under the Commission's adopted "Guidelines for the Exclusion of Temporary Events from Coastal Commission Permit Requirements," a temporary event which may be exempted must be of "limited duration," which is defined as a two week period on a continual basis, or a four month period on an intermittent basis. As the proposed development would occupy public parkland continuously for over two months, it does not meet the definition of a temporary event, and is thus not exempt from coastal permit requirements.

2. Public Access/Parking. Section 30252 of the Coastal Act requires that new development provide for adequate parking facilities so as not to compete with or preclude the public's access to the coastal area by usurping on-street public parking spaces. Because inadequate parking and congestion interfere with public access opportunities, the provision of adequate off-street parking is critical for all commercial, recreational and residential development in near shore areas.

The project site is located on Fiesta Island in Mission Bay. Because Fiesta Island currently consists of open beaches, unimproved uplands, and few or no public facilities or amenities, traffic and parking is rarely an issue on Fiesta Island even during the summer months. Thus, the proposed project is expected to draw people to a public recreation area which is currently under-utilized. The 2,000-6,000 people expected daily at the event is considerably less than the 8,000-9,000 people who attend the City's annual Over-The-Line event at the project site. The event will not be open to general admission until after Labor Day, and thus will be outside of the peak beach season.

The sand sculpture is a relatively low-cost commercial recreational use. However, because special events such as the proposed project, which are dependent on public parking, have the potential to usurp spaces from the general public, each event must be reviewed on a case-by-case basis for potential recreational impacts. In the case of the proposed project, the area around the South Shores parking lot has not been fully developed with all the recreational facilities planned for the future, and thus, use of this parking area should not have a significant impact on the general park-going public.

In most cases, parking on sandy beach area, as proposed on the northwest portion of Fiesta Island, could not be found consistent with the public access/parking policies of the Coastal Act. However, in this location, there is no identified formal parking for the existing beach area, and the upland portion of the beach is regularly used for informal parking. As noted above, these areas receive little use and overcrowding of beaches has not been a problem at this location in the past. Therefore, in this particular case, the proposed beach parking will not have an adverse impact on recreational use.

Special Condition #2 requires the applicant to submit a traffic control plan identifying the final parking locations, and indicating that no public parking areas will be used for staging and storage of construction equipment, that no lane closure of major coastal access routes will occur on weekends or holidays, and that no existing parking lots used for the event will be restricted from use by the general public. Thus, as the proposed event will not have a significant adverse effect on traffic or parking in the area, the Commission finds the project, as conditioned, consistent with Section 30252 of the Act.

3. Beach Sand/Human Health/Water Quality. Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Act states in part:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff....

Section 30233(b) of the Act states:

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

Fiesta Island is an artificially constructed island created from dredge spoils in Mission Bay. The City of San Diego regularly performs maintenance dredging to maintain the navigational corridors of the bay. The dredge spoils are deposited on various locations on Fiesta Island to be dewatered, and stored for use as beach replenishment material. The subject site is considered a "holding area" for sand material should it become necessary to replenish nearby beaches.

Section 30233 encourages the use of dredge spoils for beach replenishment. Most of the sand required for construction of the sand sculpture will come from the project site itself. However, some additional material may be required from the dredge deposition sites located on Fiesta Island. After the event is over, the sculpture will be demolished and the sand graded and spread out over the subject site. The sand will remain available for beach replenishment. Although the particular holding sites from which the sand will be taken have not yet been identified, Special Condition #3 requires that all imported material be obtained from Fiesta Island, excluding any public beaches. Thus, recreational impacts from the importation of sand will be minimal, and all dredged sand will remain available for beach use. Therefore, the proposed project can be found consistent with Section 30233(b) of the Act.

The proposed sand sculpture is created through the use of a liquid adhesive. Approximately 500 gallons of the Cascorez IB-S10A will be lightly sprayed on the surface of the sand sculpture to provide protection from wind. The chemical is diluted to one part material to 10 parts water. As the sand used for construction of the sculpture will potentially be used for beach replenishment, the nature and quality of the adhesive is significant. In addition, Mission Bay supports a wide range of sensitive habitat types and resources including wetlands, eel grass, fish, birds and benthic organisms, all of which could be adversely impacted by the introduction of harmful chemicals into the bay waters.

A Material Safety Data Sheet submitted by the applicant indicates that in its liquid form, (prior to its application on sand) the adhesive material is not

"a health hazard" or a "physical hazard" per the requirements of the Occupational Safety and Health Administration. Commission staff contacted the County of San Diego Environmental Health Department, who examined the chemical and its proposed use. Staff at the County Health Department determined that the chemical would have either a very limited impact or no impact on water quality or biological productivity, and characterized the adhesive as "very non-toxic." Commission staff also contacted staff at the Regional Water Quality Control Board, who indicated they had no concerns with the impacts resulting from the project as proposed. In addition, the City of San Diego has reviewed the proposed material and determined that project does not represent an environmental or water quality hazard.

Furthermore, although the treated sand could eventually be used for beach material, the City does not have any plans to deposit sand from this particular site in the near future. As previously noted, the sand will be regraded and left on the project site for the time being for the Over-the-Line tournament. Thus, any residual chemicals on the sand will have time to dissipate or break down. As the proposed project will not have any adverse impact on water quality, biological productivity, or adversely impact the quality of beach replenishment material, the Commission finds the proposed project consistent with Sections 30230, 30231 and 30233 of the Coastal Act.

4. Visual Quality. Section 30251 of the Coastal Act states in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

The proposed sand sculpture will be approximately 65 feet in height. The maximum height limit for structures in this area is 30 feet. However, the sand sculpture is temporary and any visual impact resulting from the sculpture will be of limited duration. The accessory structures associated with the event are also temporary and not expected to have any long- or short-term adverse visual impacts. Therefore, the Commission finds the project consistent with Section 30250 of the Coastal Act.

5. Local Coastal Planning. Section 30604 (a) requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The subject site is designated as Coastal Landscape in the City-adopted 1994 Mission Bay Park Master Plan. The proposed temporary commercial recreational use is consistent with this designation. As conditioned, the project is consistent with all applicable Chapter 3 policies of the Coastal Act, and no adverse impacts to coastal resources will result. Therefore, the Commission

finds the proposed development will not prejudice the ability of the City of San Diego to prepare a certifiable Local Coastal Program for the Mission Bay Park segment of its LCP.

5. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the parking and water quality policies of the Coastal Act. Mitigation measures, including submission of a parking/traffic plan and a water quality control plan will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(6065R)





EXHIBIT NO. 1  
APPLICATION NO.  
**6-96-65**  
Location Map

California Coastal Commission

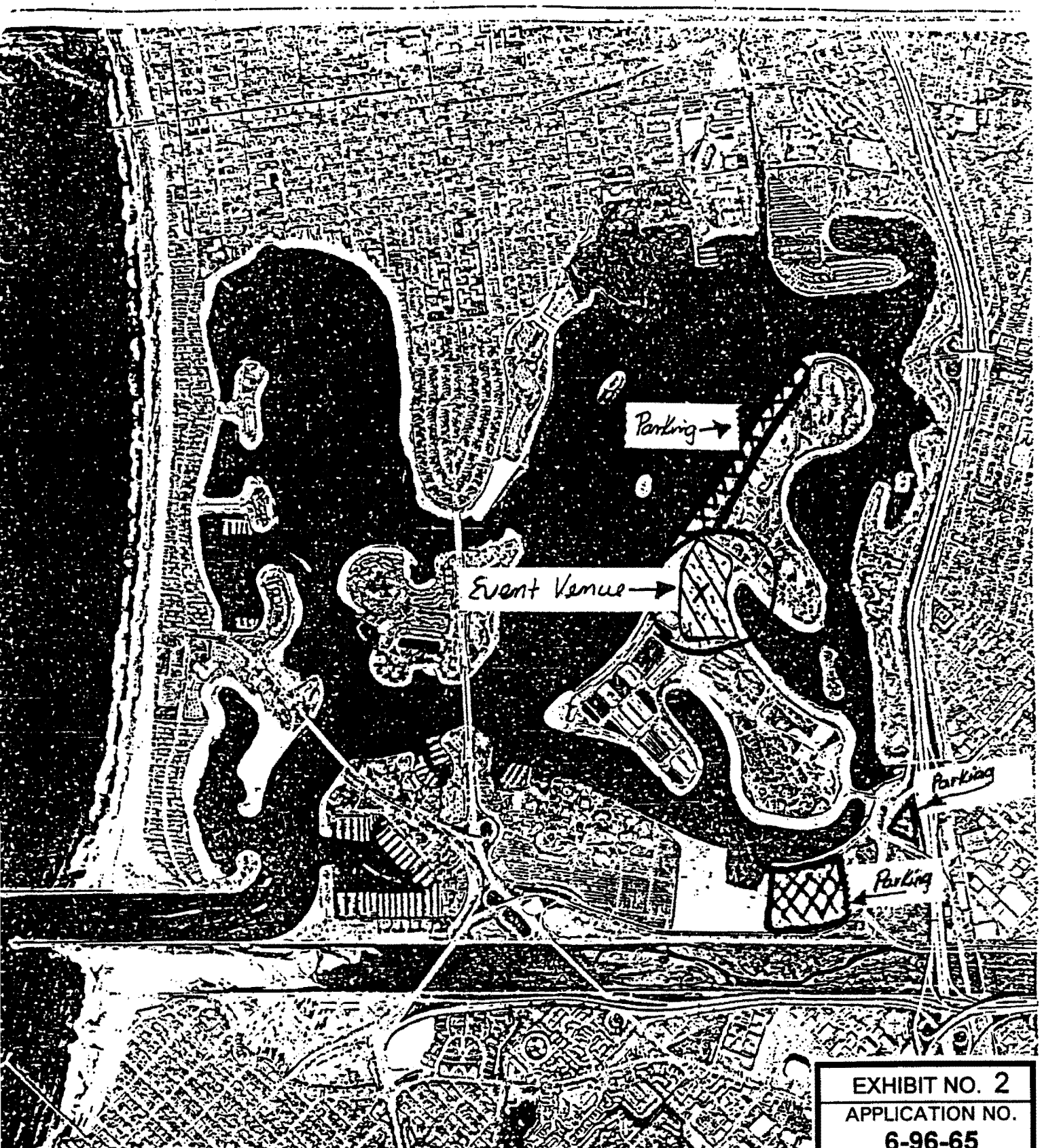


EXHIBIT NO. 2
APPLICATION NO.
<b>6-96-65</b>
Site & Parking
Locations
 California Coastal Commission

6-96-65


# The Lost City of Atlantis

## San Diego Bayfair 1996



World Sand Sculpture Productions, INC.  
lost city ATLANTIS

Corporate 1-800-646-7105

EXHIBIT NO. 3
APPLICATION NO.
<b>6-96-65</b>
Conceptual Drawing
 California Coastal Commission